

REMARKS

Reconsideration of the above-referenced application is respectively requested in view of the above amendments and these remarks. Claims 1-27 are currently pending.

According to the Office Action, the disclosure is objected to because it does not contain a "Summary of the Invention." While it is not required to include a Summary in order for an application to meet all statutory requirements for filing, Applicant amends the applications to include this section between the Background and a Brief Description of the Drawings. Applicant requests that this objection be withdrawn.

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,781,981 to Kimbrough. Applicant has reviewed the cited reference as well as the arguments presented in the Office Action and respectfully traverses the rejection. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2142). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. It is respectfully submitted that Kimbrough does not disclose, teach or otherwise suggest all the claim limitations.

The claims are directed to a multi-service platform, and a method of using the platform, that includes a switch node, a plurality of payload nodes and a packet switch backplane. The switch node is coupled to receive a DS3 signal, and the switch node translated the received DS3 signal into a packet-based signal. The packet switched backplane is coupled to the switch node and the plurality of payload nodes. The packet-based DS3 signal is distributed to one or more of the plurality of payload nodes via the packet switched backplane.

According to the Office Action, Kimbrough discloses that the switch node receives a DS1 signal and translates the DS1 signal into a packet-based signal that is, in turn, sent to the packet switched backplane for distribution to one or more of the plurality of payload nodes. The switch node is equated with the common equipment shelf 20, and the

plurality of nodes is equated to the line cards 52, which are housed in the copper shelves 22. Moreover, column 11 lines 53-62 are cited for the translation of the DS1 signal to the packet-based signal by the switch node that is then distributed to the payload nodes. This citation to Kimbough, however, states that the copper shelves 22 converts the DS1 signal into the packet-based signal. Thus, according to the Kimbough, the equivalent of the payload nodes converts the DS1 signals to packet-based signals. The claims require that the switch node, or the equivalent of the equipment in the common shelf, perform the conversion. Assuming that one of ordinary skill in the art would be able to use the teachings regarding DS1 signals for DS3 signals considering the differences between the two, with which Applicant does not agree, Kimbough discloses that the payload node converts the DS3 signal instead of the claimed switch node.

In view of the foregoing, it is respectfully submitted that Kimbough does not disclose, teach or otherwise suggest that a switch node converts a DS3 signal to a packet-based signal for distribution to payload nodes via a packet switched backplane. Applicant therefore respectfully submits that independent claims 1, 10 and 19 are patentable over Kimbough. As claims 2-9, 11-18 and 20-27 depend upon claims 1, 10 and 19, respectively, Applicant submits that these claims are patentable over the same reference for the same reasons. Applicant requests that the rejection under Section 103(a) be withdrawn.

As the Applicant has overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Serial No. 10/685,901
Spencer
Case No. MCG00334

Please charge any fees associated herewith, including extension of time fees, to
50-2117.

Respectfully submitted,
Spencer, David M.

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